REMARKS

Claims 6-9 and 13-17 are pending in the present application. By this response, claims 6-9 are amended and claims 13-17 are added. Claims 6-9 are amended to more clearly recite the subject matter being claimed. Support for these amendments and the new claims may be found at least on page 17, line 12 to page 18, line 18, and Figure 8. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

I. 35 U.S.C. § 103, Alleged Obviousness, Claims 6-9

The Office Action rejects claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over Tobita et al. (U.S. Patent No. 6,694,133 B1). This rejection is respectfully traversed.

As to claim 6, the Office Action states:

> In regards to claim 6, Tobita discloses a commodity purchasing method through a network, comprising the steps of: receiving a connection request sent from a computer and a connection request sent from a cellular phone which includes an identifier corresponding to an identification code of said cellular phone (Fig 1, col 1, lines 15-20);
>
> determining whether said identifier is included or not (Fig 10);
>
> storing said identifier and user status information associated with said identifier in a database contained in a unit for receiving said connection request (Fig 12); and
>
> Tobita teaches sending different information based on the capabilities of the particular receiving device and determining the delivery method based on an identifier and directing the information in an Http format to an internet service provider (see summary), but does not specifically mention that a different session control is used if no identifier is received. It was old and well known in the art to receive purchase requests though the Internet without the use of an identifier. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include using the system of Tobita to include different session control for those computers without an identifier, because Tobita is capable of being connected to the internet and performing functions such as are accomplished by conventional computer connections and assures that information is provided according to the separate storage and display capabilities of the receiving device (col 1, lines 14-20 and summary). Tobita would be motivated to include providing information to

> conventional computers, since this would increase the sales of the Information Provider by identifying the increased capabilities of those that do not come from server 2 (Fig 1) as being from a conventional computer and providing the information in a manner commensurate with the capabilities of the conventional computer thus maximizing the efficiency of the displayed information (col 4, lines 33-67).

Office Action dated January 28, 2005, pages 2-3.

Claim 6 reads as follows:

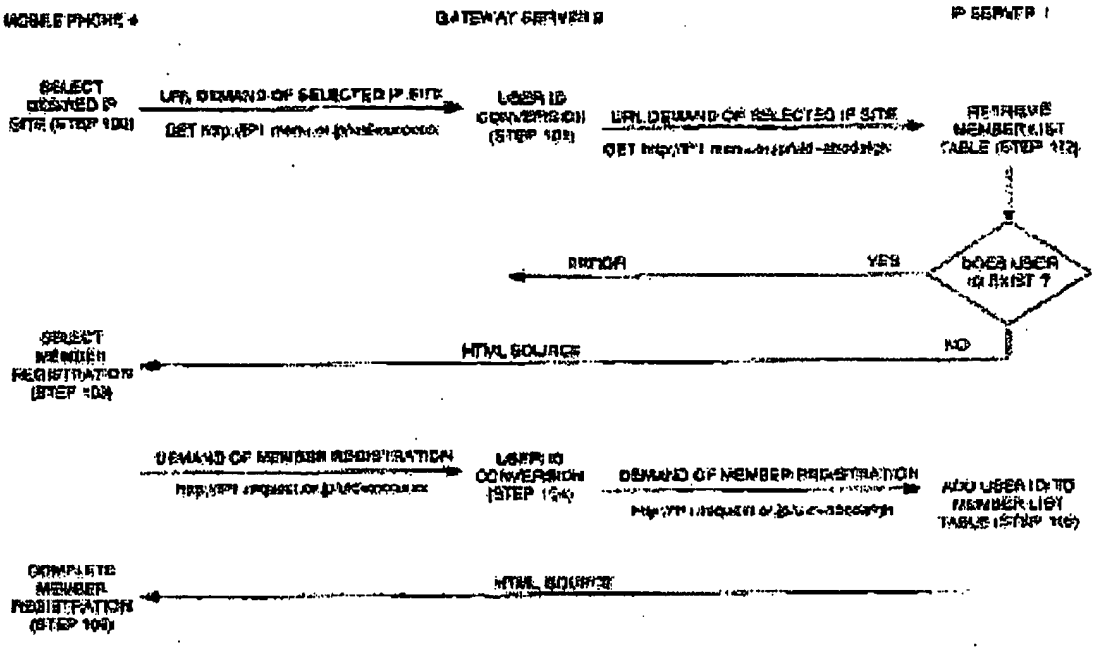
> 6. A commodity purchasing method through a network, comprising the steps of:
>
> receiving a connection request from a device;
>
> determining whether the connection request includes an identifier, wherein the identifier corresponds to an identification code of a cellular phone and wherein the identifier identifies that the connection request is from a cellular phone;
>
> in response to the connection request including the identifier, performing the following steps:
>
> storing the identifier and user status information associated with the identifier in a database contained in a system for receiving the connection request; and
>
> executing session control using the identifier and the user status information; and
>
> in response to the connection request not including the identifier, executing session control for the device using history information that is communicated between the system and the device.

Tobita fails to teach or suggest determining whether the connection request includes an identifier, wherein the identifier corresponds to an identification code of a cellular phone and wherein the identifier identifies that the connection request is from a cellular phone.

Tobita is directed to an image deliver system where, in response to a request from a mobile phone, a server sets a user ID corresponding to an intrinsic identifier of the mobile phone and transmits it to an IP server. The IP server receives the request from the server and checks the image delivery based on the user ID that is being set in the request. If a result of the check indicates the image delivery may be conducted, a requested image data is transmitted to the mobile phone. The mobile phone receives the image data and holds the received image data in a storage region.

The Office Action alleges that Tobita teaches determining whether the connection request includes an identifier at Figure 10, which is shown as follows:

FIG. 10



Tobita describes Figure 10 at column 10, line 54 to column 11, line 40, which reads as follows:

> FIG. 10 is an operation flowchart showing the operation of the member registration.
>
> First, a user of the mobile phone 4 operates the operating section 96 of the mobile phone 4, and selects a site of the IP server 1, in which the member registration is conducted, and transmits an HTTP request (Step 100). In FIG. 10, it is shown that "GET http://IP1.menu.or.jp/uid=xxxxxxx" is transmitted from the mobile phone 4 as the HTTP request. In addition, as an example of the request, "IP1" indicates the IP server 1, "menu" indicates a menu screen of the member registration, and "xxxxxxx" out of "uid=xxxxxxx" respectively.
>
> In the gateway server 2 that received the request, a user ID corresponding to the intrinsic identifier of the mobile phone 4 is retrieved from the user ID list table 70, and the intrinsic identifier added to the received request is converted into the retrieved user ID, and is transmitted to the IP server 1 (Step 101). In this operation, since the intrinsic identifier added to the request from the mobile phone 4 is "xxxxxxx", if a user ID corresponding to this intrinsic identifier is retrieved from the user ID list table 70, the user ID corresponding to "xxxxxxx" is "abcdefgh". Accordingly, "xxxxxxx" is converted into "abcdefgh", and "GET http://IP1.menu.or.jp/uid=abcdefgh" is transmitted to the IP server 1.

In the IP server 1, "uid=abcdefgh" out of the received request "GET http://IP1.menu.or.jp/uid=abcdefgh" is extracted, and whether or not the corresponding user ID is already registered is checked by retrieving the member list table 31. If the corresponding user ID is not described in the member list table 31, an HTML source for the member registration as a response is transmitted to the gateway server 2 (Step 102).

In the mobile phone 4, the response is received, and in accordance with instruction displayed on a screen, a request for the member registration is transmitted (Step 103). For example, as the request from the mobile phone 4, it is assumed that the request "http://IP1.request.or.jp/uid=xxxxxxx" indicates a demand of the member registration.

In the gateway server 2, the request "http://IP1.request.or.jp/uid=xxxxxxx" from the mobile phone 4 is received, and by means of the operation same as the Step 101, namely, an intrinsic identifier is converted into a user ID, and is transmitted to the IP server 1 (Step 104).

In the IP server 1, the request of the member registration from the mobile phone 4 is received, and the user ID described in the request, namely in this example, "abcdefgh" is newly described in the member list table 31, and processing of the member registration is conducted (Step 105). Thereafter, a response of completion of the member registration is transmitted to the mobile phone 4 via the gateway server 2 (Step 106).

By means of the above operation, the member registration is completed.

In this section, Tobita describes receiving a request from mobile phone that already includes an identifier. The user ID associated with the identifier is retrieved and sent to an IP server where the IP server determines if the user ID is within a member list. If the user ID is in the request is performed. However, if the user ID is not in the member list, then a request for member registration is sent to the mobile phone. Thus, Tobita describes a system where the request sent by the mobile phone already contains an identifier and the already included identifier is checked for validity. Therefore, Tobita has no need to determine whether the connection request includes an identifier as Tobita already assumes that each request does.

Additionally, the identifier of Tobita relates to a user ID that is in a user ID list. Tobita does not teach an identifier that identifies that the connection request is from a cellular phone. As Tobita teaches that all requests are from mobile phones, there would be no need for Tobita to distinguish from what type of device a request originates. That is, Tobita does not teach or suggest executing session control for a device using history

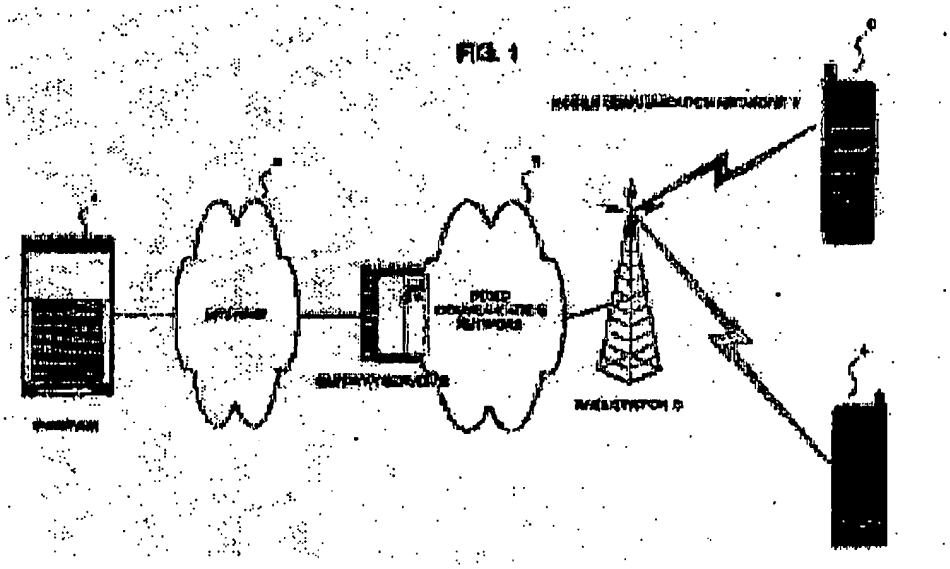
information that is communicated between the system and the device in response to the connection request not including the identifier.

Furthermore, Tobita does not teach or suggest executing session control using the identifier and the user status information. The Office Action acknowledges that Tobita does not teach or suggest this feature. Rather, the Office Action alleges that it is old and well known in the art to receive purchase requests through the Internet without the use of an identifier. Applicants respectfully traverse this allegation, as the presently claimed invention selectively executes session control using the identifier and the user status information or using history information that is communicated between the system and a device based on a determination of whether or not a connection request includes an identifier that identifies that the connection request is from a cellular phone.

Furthermore, there is not so much as a suggestion in the Tobita reference to modify the reference to include such features. That is, there is no teaching or suggestion in Tobita that a problem exists for which determining whether the connection request includes an identifier where the identifier identifies that the connection request is from a cellular phone is a solution. That is, every request in the Tobita reference originates from a mobile phone. Tobita has no need to determine whether or not a request is from a cellular phone, as recited in claim 1.

In view of the above, Applicants respectfully submit that the Tobita fails to teach or suggest the features of claim 6. At least by virtue of their dependency on claim 6, the features of dependent claims 7-9 are not taught or suggested by Tobita. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 6-9 under 35 U.S.C. § 103(a).

Moreover, in addition to their dependency from independent claim 6, the features of dependent claims 7-9 are not taught or suggested by Tobita. For example, with regard to claim 8, Tobita does not teach or suggest wherein the network comprises a first network for communicating with a device and a second network for communicating with a cellular phone and the method further comprises a step of sending the connection request from the cellular phone through the second network. The Office Action alleges that this feature is taught in Figure 1, which is shown as follows:



In this figure and the corresponding text in column 8, lines 57-67, Tobita describes a single communication system that receives requests from mobile phones and sends them through a network to an IP server. Tobita does not teach or suggest two different networks, one for communication with computers and the other communicating with cellular phones.

Therefore, in addition to being dependent on independent claim 6, dependent claims 7-9 are also distinguishable over Tobita by virtue of the specific features recited in these claims. Accordingly, Applicants respectfully request withdrawal of the rejection of dependent claims 7-9 under 35 U.S.C. § 103 (a).

II. New Claims

Claims 13-17 are added to the pending application. The features in these claims are supported in the specification at least on page 17, line 12 to page 18, line 18 and Figure 8. Consequently, no new matter is added.

Claim 13 reads as follows:

> 13. A commodity purchasing method through a network, comprising the steps of:
>
> receiving a connection request from a device;
>
> determining whether the connection request includes an identifier, wherein the identifier corresponds to an identification code of a cellular

phone and wherein the identifier identifies that the connection request is from a cellular phone; and

in response to the connection request including the identifier, performing the following steps:

storing the identifier and user status information associated with the identifier in a database contained in a system for receiving the connection request; and

executing session control using the identifier and the user status information.

As discussed above, Tobita does not teach or suggest determining whether the connection request includes an identifier, wherein the identifier corresponds to an identification code of a cellular phone and wherein the identifier identifies that the connection request is from a cellular phone. Additionally, as discussed above, Tobita does not teach or suggest executing session control using the identifier and the user status information in a determination whether a connection request includes an identifier that identifies that the connection request is from a cellular phone.

Claim 16 reads as follows:

16. A commodity purchasing method through a network, comprising the steps of:

receiving a connection request from a device;

determining whether the connection request includes an identifier, wherein the identifier corresponds to an identification code of a cellular phone and wherein the identifier identifies that the connection request is from a cellular phone; and

in response to the connection request not including the identifier, executing session control using history information that is communicated between a system and the device.

As discussed above, Tobita does not teach or suggest determining whether the connection request includes an identifier, wherein the identifier corresponds to an identification code of a cellular phone and wherein the identifier identifies that the connection request is from a cellular phone. Additionally, as discussed above, Tobita does not teach or suggest executing session control using history information that is communicated between the system and a device on in a determination whether a connection request does not include an identifier that identifies that the connection request is from a cellular phone.

Thus, in view of the above, Applicants respectfully submit that Tobita does not teach or suggest the specific features of independent claims 13 and 16. At least by virtue of their dependency on claims 13 and 16, the features of dependent claims 14-15 and 17 are not taught or suggested by Tobita. Accordingly, new claims 13-17 should be allowed.

III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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